

Item No. 11.	Classification: Open	Date: 9 September 2020	Meeting Name: Audit, governance and standards committee
Report title:		Local Government Association Proposal for a Model Code of Member Conduct	
Ward(s) or groups affected:		All	
From:		Director of Law and Democracy	

RECOMMENDATIONS

1. That the committee notes this report.

BACKGROUND INFORMATION

2. The Localism Act 2011 (“the Act”) provided for the abolition of the former standards regime including Standards for England, statutory standards committees, the jurisdiction of the First Tier Tribunal over standards of conduct, and a nationally set code of conduct for councillors. Local authorities agreed their own Code of Conduct within the terms of the Act.
3. The Local Government Association (LGA) has recently issued a report on Civility in Public Life and a review of the model code of conduct in response to growing concerns about the impact an increasing level of public intimidation and toxicity of debate is having on the Country’s democratic processes, particularly at a local level.
4. The LGA report highlights that the increasing incidents of public intimidation and abuse against those in public office are a growing concern. The attacks risk the personal safety of councillors, undermine local democracy and decision making and can deter prospective candidates from standing.
5. Concern has also been raised about incidents of intimidation within councils, involving councillors as well as officers. If decent standards of behaviour are expected from members of the public when they engage with councillors, then good standards of behaviour need to be modelled within the council.

KEY ISSUES FOR CONSIDERATION

6. The LGA is reviewing and updating the member model code of conduct, which is suggested good practice and councils may adopt this code or their own local code. All councils are required to have a local Member Code of Conduct. This draft Model Member Code of Conduct is now out for consultation [see appendix1].
7. The Council’s current Code of Conduct is attached at appendix 2.
8. The Act requires local authorities to have arrangements to investigate allegations of breach of the code of conduct against members and make decisions on them. The current arrangements, with revisions, have been in place since 1 July 2012.

9. The review is being undertaken in response to the recommendations made by the Committee on Standards in Public Life and to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement.
10. The LGA aims to develop a code that benchmarks a standard for all in public office and for those engaged in public discourse and debate. It will set out the duties and expectations of persons in public office as well as their rights, particularly their right to be protected from abuse and intimidation resulting from their undertaking of public office.
11. It has been developed in collaboration with the sector and will be offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation.
12. The objectives in reviewing the model code of conduct are to:
 - Articulate what local government believes are good standards for all in public office.
 - Show leadership in good standards of conduct for those in public office, both elected and as employees.
 - Achieve consensus between the stakeholders affected by local government conduct.
 - Support councils and partners in achieving a good standard of conduct.
 - Produce a code that is fit for purpose, useful and held in high regard.
 - Enhance the reputation of local government and local politicians.
 - Support the good running of councils.
 - Support all democratically elected local representatives to deliver their best on behalf of their local communities.
 - Build on the good practice that already exists within councils.
13. The process for review will involve the LGA working collaboratively with a range of officer and member stakeholders to gather evidence and opinion on what is needed in an updated and fit-for-purpose code, including considering the review into local government ethical standards undertaken by the Committee on Standards in Public Life.
14. A comparison of the draft code and current code of conduct is attached at appendix 3.
15. Once the final model code of conduct has been published by the LGA it will be presented to the Audit, Governance and Standards Committee for consideration. They would decide whether to recommend to Council Assembly to adopt a new code.

Community impact statement

16. The ability for members of the public to make complaints about councillors' failure to comply with a code of conduct may be of concern to local people and communities which could result in a perception of poor governance. This could affect the reputation of the council.

17. However the council maintains an open and transparent process for making complaints against members, information is assessable on the council's website.

Resource implications

18. Any implications can be maintained within current budgets.

Legal implications

19. The specific legal implications relating to this report have been included in the report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Constitution	2nd floor, PO Box 64529, London, SE1P 5LX	Chidilim Agada 020 7525 3310
http://www.southwark.gov.uk/YourCouncil/HowTheCouncilWorks/councilconstitution.html		

APPENDICES

No.	Title
1	Draft model member code of conduct
2	Current code of conduct
3	Comparison of the draft code and current code of conduct

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown Director of Law and Democracy	
Report Author	Norman Coombe, Head of Corporate Team	
Version	Final	
Dated	25 August 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Incorporated
Strategic Director of Finance & Governance	No	No
Cabinet Member	N/a	N/a
Date final report sent to Constitutional Team	25 August 2020	